

REMARKS

Entry of this amendment, and reconsideration of this application, as amended, are respectfully requested.

Claims 145-149 are based on claims 133-137, but the independent claim has been revised in a manner believed to overcome all Section 112 rejections.

Applicants submit that they have submitted sufficient information to effect the change in the inventorship of this application.

The provisional ODP rejection does not apply since the pending claims of '774 relate to different subject matter.

Claims 133, 138, 142 and 144 were rejected under 35 U.S.C. §112, first and second paragraph, for allegedly being indefinite.

It is not believed that either of these rejections apply to the presently pending claims.

Claims 133-138 were rejected under 35 U.S.C. §102(b) for allegedly being anticipated by U.S. Patent No. 5,770,228 to Edwards et al. (Edwards). Applicants respectfully traverse.

The examiner notes that Edwards does not specify whether the insulin is from natural or recombinant sources and is considered to include insulin from any source, and points to the Applicants own specification for making clear that insulin from both sources would have been contemplated. Applicants respectfully traverse, because, as the Examiner admits, Edwards does not disclose each and every feature of the claims, so the rejection must be withdrawn because it is a 35 U.S.C. §102(b) rejection, not a 35 U.S.C. §103(a) rejection.

Furthermore, the Examiner has impermissibly used the instant specification as a guide to making the rejection, which is clearly impermissible hindsight. Thus, this rejection must be withdrawn.

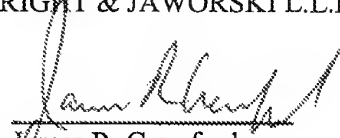
In view of the foregoing, allowance is respectfully requested.

The Commissioner is authorized to charge any required extension fee and any additional fees due to deposit account no. 50-0624.

Respectfully submitted,

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